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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,626	11/12/1999	JACQUES H. HELOT	109911266-1	1876

22879 7590 03/04/2005

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EXAMINER
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CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/439,626

**Applicant(s)**

HELOT ET AL.

**Examiner**

Michael Cuff

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's appeal brief, filed 12/20/04, has been received and entered. The examiner concurs with applicant that the nexus of seeing a preview just by indicating an option could not be achieved by the combination of Smith et al. And Boguraev et al. It was too much of a stretch to change the option window of Smith into applicant's claimed invention. The examiner updated the search for allowance. There are "drag and drop" options which are similar, but, once again, the examiner determined that altering the structure of the "drag and drop" was too much of a stretch such that it would have been obvious to one of ordinary skill in the art to make the modification.

US patent 6,331,858 issued to Fisher was found during updated search along with a teaching of JavaScript Image rollovers. The prosecution has been re-opened and a non-final rejection has been provided.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher (6,331,858) in view of Taylor (non-patent literature).

Fisher shows all of the limitations of the claims except for specifying, in response to a user, clicklessly positioning a cursor over an icon and an audio preview.

Fisher shows, figures 3 and 5, a display terminal user interface. Items 301-303 are optional consumer items (also previously selected options). Frame F1 has fabric samples (options associated with consumer item). Frame F2 provides a representation/model and a real-time preview representation of the consumer item updated with option in response to clicking an option marker icon. Finish options depend on the previously selected option on which item was chosen. Each item has a set of valid finish options (prevent selection of an option based on a previous option). Cost (attribute data, updated and capable of being statistically analyzed) is provided for each item.

Taylor teaches the use of JavaScript's image rollovers (clicklessly) as an option to clicking in order to change images and links "on the fly".

Based on the teaching of Taylor, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify to Fisher system to use an image rollover technique instead on clicking on an icon in order to change images and links "on the fly".

Fisher does not teach the step of providing an audio preview. However, sound effects are common in the art, and applicant's disclosure of "sounds associated with the various payment and shipping options (such as an airplane sound for shipping by air)" (p.16, lines 23-25) is also common in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of


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providing an audio preview with the invention of Fisher to provide a further indication of the option being selected.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dries et al. and Malamud et al. show systems of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610 or, after 4/13/05 (571) 272-6778. The examiner can normally be reached on 8:00 to 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/3/05  
Michael Cuff  
March 3, 2005